

KILLED BY SERVANT

WILLIAM V. O'DALY SHOT IN BACK BY
HIS ATTENDANT.

Mexican Claims Self Defense and
There Was no Other Witness
to the Tragedy.

Shot in the back by his servant, who claims self defense, and with none other to witness the tragedy, it is doubtful if the truth as to the killing of William V. O'Daly will ever be known. Whether he was killed in combat, in man's open fight with man, or stricken down by the treacherous bullet of a coward assassin, none but Ramon Feliz, his slayer, can tell.

Mayor F. F. Cranz, who telegraphed the death of Mr. O'Daly to Nogales two weeks ago, returned to town Thursday evening and gave the first detailed account of the killing, as told by Feliz.

The tragedy occurred on September 18, the body was found on September 19 and the man who did the shooting was captured September 20.

At that time Mr. Cranz, and the party with which he was traveling were at Mazatlan. Arriving at Fuerte, Sinaloa, September 27, Mr. Cranz was informed that an American had been killed in the mountains a week before and was asked if he knew any American there. Inquiry developed the fact that it was William V. O'Daly, and that his servant had been arrested and admitted the killing.

The prisoner was taken from Choix, near where the killing occurred, to Fuerte and there lodged in jail.

He said he had quarreled with his employer and had shot him in self defense. According to the story told by Feliz, they had stopped at a small house on the road for lunch on the 18th and were told by the people at the place that two miles further on they would come to a fork in the road. One road, they were told, was covered with grass and the other was bare. The road that was bare they were not to take, as it had been fenced in further on. When they came to the fork mentioned, he said, O'Daly started to follow the road which they had been told not to follow. He said they then argued about which road to take and O'Daly said: "You don't know anything about it, you ignorant Mexican." To which Feliz claims he replied: "I am not an ignorant Mexican, but you are a Gringo!" and he finished the sentence with a vile name.

Mr. O'Daly, he alleges, then turned in his saddle and drawing his revolver fired at him, but missed. He had no gun in his belt, his being on the pack horse. He jumped from his horse and started for the pack horse to get his gun, and O'Daly, having also dismounted, started towards

him. In coming towards him, he said, O'Daly tripped himself with his spurs. He, in the meantime, had secured his gun and shot twice at the American, while the latter was still on the ground. O'Daly then rushed upon him and catching his thumb in his mouth bit him till he dropped his gun. He picked the gun up again with his left hand and beat the American over the head with it, till he quit biting. Feliz said he then ran away and left the American lying on the ground. As he ran from the place the wounded man fired two more shots at him.

When Mr. O'Daly's body was found next day he was lying on his oil coat, which was spread out under a tree. From there the servant was tracked by the Mexican authorities and captured the day after the finding of the body. He is still in jail but so far has told no other story of the killing.

Mr. O'Daly was known as a good shot and those who knew him find it hard to believe that he fired three shots at the man and did not kill him, though when found his revolver had three empty shells. It also appears odd that, with five shells still in his gun he should try only to disarm his antagonist, and also refrain from shooting again while he was being beaten over the head.

But if he was the victim of a cowardly murder, shot in the back by his servant when not expecting trouble, as many will believe, none but Ramon Feliz can tell of the crime.

In speaking of the matter Thursday evening, an old friend of the dead man, who had known him for twenty years, said:

"It may have happened as the Mexican said. Of course we cannot tell; but it doesn't sound probable to me. And it may be that the fellow shot O'Daly in the back when close to him, without any warning. O'Daly was a large, strong man and even after being shot through the body might have turned and grappled with his assailant and bit his hand till he dropped his gun. The fellow might then have broken away from the wounded man and ran from the place, leaving his gun where he had dropped it. O'Daly might then have drawn his weapon and fired the three shots, and being in a dazed condition from his injuries he would probably shoot wild. But O'Daly in his ordinary physical condition, would not be apt to miss his man. I knew him too well to believe that. I have seen him shoot and know what he could do with a gun."

The man who did the shooting is a young fellow, not much more than twenty years old.

Former Resident to Wed.

Mr. Harry Archibald of Tempe, a well known young mining man, who formerly was located in Nogales, will be married to Miss Wingar of Mesa, on Monday, October 16th, and after a reception leave for Los Angeles, Cal., where they will live, and where Mr. Archibald is engaged in the practice of law and also in the mining business.

SCRIVENER IS FREE

JURY ALSO ACQUITS RAMOS, ALLEGED
CATTLE THIEF.

Disagreement in Case of Territory
Against Symons Makes New
Trial Necessary.

Monday Antonio Ramos was tried on a charge of grand larceny, the crime alleged being the killing of a cow on the cattle range. The testimony was to the effect that a cowboy riding the range heard a rifle shot. Riding to the place he found a cow that had been shot and which the slayer had already begun to string out as ranchers string beef preparatory to drying it. Near the carcass were some sacks, a canteen and a knife. All the articles were identified as belonging to a mining camp of which Ramos was in charge at the time. From the vicinity in which the affair occurred tracks lead to Ramos' house. He was acquitted by the jury. After his acquittal the man asked the district attorney if he could have his knife and canteen.

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Acquitted by a jury Wednesday of one of the the indictments returned against him by the grand jury last week, Jasper S. Scrivener is now a free man, the other two indictments having been dismissed Thursday on request of the district attorney. Scrivener had able counsel, being defended by General Thomas F. Wilson, Ex-Governor L. C. Hughes and John T. Hughes of Tucson, who made a determined fight for the liberation of their client. Between sobs the little girl told her story on the stand, and it was denied by the accused. The denial was strengthened by the expert testimony of a physician who asserted that the physical condition of the defendant rendered guilt impossible on such a charge.

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The difference between brown and sorrel was the point upon which was argued the demurrer to the complaint in the case of Octavio Chavolla, charged with stealing a mule. In the complaint the mule was described as brown, and the animal that figured in the case happened to be sorrel. The color line was strongly drawn by the defendant's attorney, in demurring and the demurrer was sustained. Chavolla was ordered held to the next grand jury, which means another six months in the Santa Cruz county jail. The two warrants out for his arrest in Pima county will not be served for awhile.

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Thursday Samuel T. S. Anderson was granted a divorce from his wife, Annie Anderson, on the ground of desertion. The decree was granted on default.

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Unable to agree, the jury before

whom was heard the evidence in the case of W. H. Symons, charged with rape, was discharged Tuesday night. The prisoner was remanded to the custody of the sheriff, to be tried again later in the term.

Hearing in Baca Float Land Case.

Next Friday, Oct. 20, has been set by United States Surveyor General Frank S. Ingalls for the hearing of the Baca Float No. 3 land case. The hearing will be at Nogales.

United States Deputy Surveyor Philip Contzen of Tucson has been awarded a contract providing for the survey of the exterior boundaries of the grant, and accessory lines, in Santa Cruz county. So much of the tract as was vacant, and not known to be mineral, at the date of the original location—June 17, 1863—is to be incorporated in the survey, as subject to the grant.

At the hearing to be held here Oct. 20 all persons claiming an interest in the tract of land referred to, adverse to the grant claimants, will be heard. All lands that may be ascertained to have been occupied, or known to have been mineral at the date of the location, within the boundaries of the Baca Float selection, Deputy Contzen will be instructed to except from the survey as not being subject thereto.

Subsequent hearings will be held in the immediate vicinity of Tubac and Calabasas, the dates for which will be made public later.

AS IT IS DONE ON THE BORDER.

Murderer Crosses International Line
Without Extradition Papers.

"Vamos!" ordered the American officer, as he led the Mexican desperado to the international line and forced him to cross it.

"Te queremos, amigo" (We want thee, friend) said a Mexican officer as two of them stepped forward, grasped the man by the arms and securely handcuffed him.

The incident occurred at the Morley avenue crossing of the international line Monday evening. Immigration inspector Murphy of Tucson had arrived in Nogales but a few minutes before, having in charge Luis Rivera, the Mexican murderer captured by Rangers Olds and Coffee a few weeks ago.

He had been taken in charge by the immigration officials to avoid the possibility of his being ordered released on habeas corpus proceedings, which had been instituted. Word had been sent to the Mexican officials that he would be brought to the line Monday night and released, and accordingly two Mexican officers were there to meet him. He is now in the Nogales, Sonora, jail, from which place he will soon be taken back to Altar Sonora, there to serve out his unexpired term of fifteen years, to which he was sentenced for murder three years ago. Back in the little jail at Altar, the ex-jailer, held in lieu of the prisoner who escaped from him eighteen months ago, is praying for his speedy return.